

Examiner-Initiated Interview Summary

Application No.

09/973,086

Applicant(s)

MOYES ET AL.

Examiner

Michael I Poe

Art Unit

1732

All Participants:

(1) Michael I Poe (Examiner).

(2) Joseph Berenato (Applicant's attorney).

Status of Application: _____

(3) _____.

(4) _____.

Date of Interview: 16 March 2004

Time: 11:00 am

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

potential rejections of claims 26-29 under 35 USC 112, 1st paragraph and potential rejections of claims 27 and 28 under 35 USC 112, 2nd paragraph

Claims discussed:

1-32

Prior art documents discussed:

the prior art of record

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.



(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner faxed proposed amendments (see attached) to the applicant's attorney for review and approval on March 16, 2004. The examiner stipulated that the proposed amendments were necessary to make the applicant's claims commensurate with the applicant's arguments which were found persuasive, to eliminate problems under 35 U.S.C. 112, 1st paragraph, to eliminate problems under 35 U.S.C. 112, 2nd paragraph, to correct antecedent basis problems and to place the application in the format set forth in the MPEP. Specifically, although the applicant's arguments were found persuasive, the examiner stipulated that claims 1 and 24 as currently written were not commensurate with the applicant's arguments. Further, the applicant's amendments to claim 24 did not structurally distinguish the applicant's invention over the prior art of record but rather only provide intended use. The examiner stipulated that the proposed changes to claims 1 and 24 would make the claims commensurate with the applicant's arguments and would structurally distinguish the applicant's invention over the prior art of record. Although claim 26 was commensurate with the applicant's arguments and would be allowable for the reasons set forth by the applicant, the examiner stipulate that the applicant's original disclosure does not provide basis for selecting 800 kg/m³ as an end point for the range. Specifically, as set forth in MPEP Section 2163.05, there must be some specific disclosure of a point within the range to be able to use that point as an end for a range. As such, claim 26 as currently written would be rejectable under 35 U.S.C. 112, 1st paragraph. In order to overcome this potential rejection, the examiner proposed changing the end point to 600 kg/m³ for which there was clear basis in the applicant's original disclosure. In view of the amendments to claim 26, the second density range in claim 27 would be confusing, and therefore rejectable under 35 U.S.C. 112, 2nd paragraph. Specifically, the density range in claim 27 does not fall within the density range in claim 26. In order to eliminate this problem, the examiner proposed amended claim 27 to recite a second mold, a second depositing step and a second transferring step. The remaining changes to the claims were necessary to provide proper antecedent basis. The abstract was changed to put it in the form set forth in the MPEP. Refer to the Examiner's Amendment for a complete listing of changes. On March 19, 2004, the applicant's attorney approved the proposed changes and authorized the examiner to proceed with the changes via Examiner's Amendment.